ing of private property for a public use without compensation, and "both the testator and the living beneficiaries of his bounty are denied the equal protection of the laws." Strangely enough, *Nunnemacher* v. *State*, 129 Wis. 190, is not cited.

Immediately follows the rather startling charge, that "It is not creditable to the American bar that it has . . . permitted its client's property to be seized upon the flimsy pretext that a man has no right to execute a transfer of his property to take effect at his death without the consent of the state."

Throughout, Mr. Abbot fails to see clearly the existence of social interests requiring protection. To him, apparently, the law has little or no purpose apart from the protection of the individual. His "liberty" is merely individualistic self-assertion. His "altruism" rests upon no broader foundation. For this reason, if for no other, Mr. Abbot's book fails to accomplish the purpose so eloquently set out in the introduction.

Mr. Abbot's criticisms of existing practice and administration, in chapters 2 and 3, are vigorously, perhaps too vigorously, stated; but with much of it there will be agreement. His remedy for most of our juristic evils is distressingly simple. He says (p. 283), "There is no obstacle to the attainment of a system" (apparently an ideal system) "of justice save our reluctance to take pains to think correctly." Correct thinking seems to be little more than the use of "the abstract processes of reason." Our salvation, therefore, lies in logic, or, as Mr. Abbot prefers to put it, "reason." The period of the schoolmen is Mr. Abbot's Golden Age; the syllogism his philosopher's stone by which the base juristic metal of to-day is to be transmitted into the fine gold of perfect achievement. E. R. J.

THE SUPREME COURT AND ITS APPELLATE POWER UNDER THE CONSTITUTION. By Edwin Countryman. Albany: Matthew Bender & Company. 1913. pp. xxi, 282.

"There are," the preface says, "a few important decisions of the court of last resort, in which it has declined to exercise its appellate jurisdiction; and as this special interpretation of the judicial power is equivalent to a refusal of the court in many cases to act as a check upon the official action of the executive and Congress, this work is principally composed of a series of strictures upon those particular decisions."

Yet the author wholly fails to gratify the interest naturally excited by such an announcement.

The arrangement of the book is so obscure that to follow the line of thought is impracticable.

For example, the first chapter deals with matter not very pertinent to the subject, and goes backward and forward through history in a fashion very perplexing, the subdivisions being entitled: "Origin and Organization"; "The Last Reorganization, a Coercive Measure to Secure Judicial Approval of Legal Tender Provisions"; "Similar Legislation to Prevent Exercise of Jurisdiction by the Court"; "Equally Indecorous and Unwarranted Treatment of the Court by the Executive in Refusing to Execute its Final Judgment Overruling the Decision of a State Tribunal in 1832"; "The Legislation of 1801, Repealed in 1802, a Partisan and Reprehensible Effort to Create Additional Judges and Courts before they were Needed"; "Senatorial Condemnation of President Jackson in 1834 a Violent and Unjustifiable Proceeding"; "The Dred Scott Case, an Example of Judicial Subservience to Political Influence"; "Partisanship Predominant Influence with Senators"; "Senatorial Partisanship on Trial of Impeachment of President Johnson"; "Relentless Partisanship of Electorial Commission"; "the Judiciary Proper Subjects of Criticism"; "Partisan Motives the Prevailing Rule in the Appointment of Judges"; "Many Able and Several Pre-eminent

Judges in the Court"; "Essential Conditions of Judicial Independence"; "Existing Defects in Organization of the Court, and Amendment Suggested to the Constitution."

It is on page 78, or possibly on page 64, that the real topic of the volume seems to be begun; but the discussion is throughout so perplexingly arranged as to prevent the book from becoming whole, and, indeed, there seems to be no pretense that the book leads to a conclusion. Thus its value must consist in the discussion of separate points. There are about twenty cases which, in accordance with the announcement in the preface, are criticized by the author (p. 269); and, though the discussion appears everywhere to lack clearness, it is not at all impossible that a person interested in some of these cases may find suggestions of value.

It only remains to say that the author's attitude seems to be that of a conservative, but that his views of judicial history sometimes do not accord with the common understanding of facts and that they are never enforced by references to new sources of information.

A TREATISE ON THE MODERN LAW OF EVIDENCE. By Charles Frederick Chamberlayne. Volumes 3 and 4. Albany: Matthew Bender & Company; London: Sweet & Maxwell. 1912, 1913. pp. xxxiii, xxxv, 4596.

These two large volumes, the second published nearly six months after the author's much-regretted death, continue a work of which the earlier installments have already been noticed in this REVIEW. Mr. Chamberlayne cannot be blamed for the publishers' statement that the four volumes cover "every phase of the subject"; but it is a surprising assertion to make of a treatise in which one looks in vain for such topics as "Witnesses," "Documentary Evidence," and "Evidence by Perception," all of which the author's footnotes in earlier volumes show he had in mind for later treatment.

Volume 3, entitled "Reasoning by Witnesses," deals with opinion evidence and related subjects, including value, handwriting and expert testimony. Volume 4, entitled "Relevancy," treats of hearsay, character and the relevancy of transactions not in issue — these last in chapters entitled "Relevancy of Regularity," "Uniformity of Nature," and "Moral Uniformity." Both volumes have the qualities already observed in their predecessors. (See review of the earlier volumes, 25 HARV. L. REV. 483.) There is much enlightened comment, showing an acute mind and a vision and perspective bred of a lifelong study of the subject. But the result is marred by a faulty terminology, and by a tantalizing diffuseness which has grievously swollen the bulk of the work. The lack of a table of cases is incomprehensible, especially in a book in which the convenience of the practitioner has been so much considered. Whether or not Mr. Chamberlayne would have permitted such an omission had he lived to see the publication of the fourth volume, he is the victim, not the author, of the graver offense of interpolating in the text, with no indication that it did not come from his hand, matter which cannot have been written in his lifetime. The seriousness of this is not lessened by fact that the book contains no reference whatever to his death.

SELECTED CASES ON THE LAW OF CONTRACTS. By Ernest W. Huffcut and Edwin H. Woodruff. Third Edition. Albany: Banks & Company. 1913. pp. xx, 774.

The third edition of this well-known collection of cases differs materially from the preceding editions. The work was originally intended to be used in